

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MIGUEL MAGADAN,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

CASE NO. C13-1020-JCC

ORDER

This matter comes before the Court on the Report and Recommendation of the Honorable James P. Donohue, (Dkt. No. 10), as well as a Notice of Release filed by Respondent. (Dkt. No. 12). No objection was filed to Judge Donohue’s Report and Recommendation. Having thoroughly considered the Report and Recommendation, the Notice of Release, and the record as a whole, the Court finds oral argument unnecessary and hereby DISMISSES the case for the reasons explained herein.

Petitioner, formerly detained by Immigration and Customs Enforcement (“ICE”) pending the completion of removal proceedings, filed a habeas petition under 28 U.S.C. § 2241, asking that Respondent release him either on supervised release, or on bond. (Dkt. No. 3 at 2). Respondent moved to dismiss, and the Honorable James P. Donohue recommended that Respondent’s motion be granted and the petition dismissed. (Dkt. No. 10 at 1). Subsequently, Respondent filed a Notice with this Court, explaining that Petitioner has been released from

1 immigration custody upon a posting of bond. (Dkt. No. 12 at 1). Accordingly, Respondent asks  
2 that the Petition be dismissed, as Petitioner's claim has been rendered moot by his release. (*Id.*).

3 While habeas petitions may, at times, go forward even after a Petitioner has been  
4 released, *see Jones v. Cunningham*, 371 U.S. 236 (1963), Petitioner here has been granted  
5 precisely the relief he requested: to be released on bond. (*See* Dkt. No. 1 at 2). Thus, his claim is  
6 moot, and the Petition must be dismissed. *See Biodiversity Legal Foundation v. Badgley*, 309  
7 F.3d 1166, 1173 (9th Cir. 2002) ("An actual controversy must exist at all stages of the  
8 litigation.").

9 For the forgoing reasons, the Petition for a writ of habeas corpus is DISMISSED with  
10 prejudice. The Clerk is respectfully directed to CLOSE this case send a copy of this Order to the  
11 parties, and to Judge Donohue.

12 DATED this 12th day of October 2013.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE